

Just Dealings

THE OHIO LEGAL ASSISTANCE FOUNDATION

FROM GAPS TO BRIDGES THE SPECIAL CASE OF RURAL POVERTY AND PRO BONO DELIVERY

Poverty is poverty. Or is it? Countless pundits, from social analysts to economists, have questioned whether there is really a difference in degree or causality for poverty in urban versus rural areas. While opinions differ, statistics consistently show poverty falling disproportionately on rural residents.¹

Of the 500 poorest counties in the country, 459 are rural. Statistics from the April 2007 Ohio Poverty Report parallel national figures. Ohio's poorest counties are almost entirely in its rural regions, particularly its southeastern region known as Appalachia. Appalachian Ohio occupies 14,299 square miles and 29 counties. Southeastern Ohio Legal Services, or SEOLS, serves 25 of these counties, as well as five additional rural counties. Its counties carry the highest poverty rates in the state. This translates to over 193,000 people living in poverty in the SEOLS service area.

SEOLS employs 45 attorneys to represent the income-eligible population in its service area and those attorneys annually help thousands, but the statistics make apparent that the need far exceeds its resources. As a result, it has sought help from the

private bar. Unlike their urban counterparts, rural pro bono program coordinators face the challenge of a small pool from which to recruit due to a critical shortage of rural practitioners. And rural practitioners face a unique set of barriers to providing pro bono services. Working in sparsely populated

areas, rural lawyers often encounter conflicts of interest that prevent representation, often work in solo practices or small firms with minimal support staff, and often encounter a mismatch between their area of expertise and the legal needs of the poor.

But necessity is the mother of invention, and several innovative pro bono projects have helped bridge the gap between resources and need. Thanks to the hard

work of individuals from all walks of the legal profession, pro bono service in Appalachia is a reality and not just an ideal reserved for urban areas. Read on to see how two judges, a magistrate, several small bar associations, and a large Columbus firm's pro bono coordinator have made a difference and set an example for the future of rural pro bono.



Meigs County Bar Association President, Jennifer Sheets, Judge Fred Crow, and Magistrate Linda Warner.

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A Judge and a Magistrate Walk into a Bar Association Meeting...

Good joke-telling is not uncommon at a Meigs County Bar Association meeting. But when Judge Fred Crow and Magistrate Linda Warner walked into its June meeting, they weren't kidding around about pro bono service in Meigs County, a county with the state's second highest poverty rate. With the help of SEOLS, they called on the bar association, a mere 18 members, to participate in a pilot pro bono mediation project. Enabled by court mediator Martha Camp and the new Ohio Rules of Professional Conduct allowing for the unbundling of legal services, the project connects low-income pro se litigants having complex domestic relations cases with an attorney who provides representation in a mediation. Clients get advice about their rights in the divorce and assistance with discovery, and the lawyers are assured that their participation will not sign them up for long, drawn out domestic disputes. Set to begin November 2007, the project is a shining example of what a small bar association can do for pro bono service.

The Significance of Judicial Support

Another highly successful rural pro bono venture has been the walk-in legal advice clinic. While the model differs from county-to-county, the main objective is for the private bar to provide free advice

and assistance to low-income clients walking in the door with legal issues for which they previously had no place to turn. SEOLS has opened clinics in almost half of its counties. The success of each depends on partnering with key community players without whose support clinics flounder.

For Muskingum County Domestic Relations Judge Jeffrey Hooper, deciding to support a pro bono domestic relations clinic was easy. As a former domestic relations practitioner, Judge Hooper saw first hand how low-income clients lacked equal access to the justice system. "If you don't have funds, you can't really get in the front door of the courthouse," said Hooper. Judge Hooper is modest about his role in obtaining the local bar's active participation, but Dave Little, SEOLS Zanesville managing attorney, credits Hooper for the clinic's sustained success. Little states, "Attorneys practicing in the county know where their orders are signed and their hearings are scheduled, and they also know how Judge Hooper feels about their participation in the clinic. It goes without saying that Judge Hooper's support, through periodic letters addressed to bar members and through the participation of his staff running the clinic, has been fundamental to the continuity and success of the clinic." When asked why he feels so comfortable supporting pro bono efforts when other judges purport ethical barriers, Judge Hooper quickly responded, "If I were to be reprimanded for something that did so much good for so many people in my community, then I think I would be okay with that."

Going the Distance

Attorney Lew Clark, a partner at Squire, Sanders & Dempsey, a large international law firm, serves as coordinator for its Columbus office's pro bono work. There is no shortage of requests for pro bono assistance in Columbus, but Lew recognized the special need and lack of legal resources in Appalachian Ohio. When he learned of the SEOLS Low-Income Taxpayer Clinic (LITC), which relies on volunteer attorneys to represent low-income clients in disputes with the IRS, he dedicated his firm's resources to recruit and train attorneys to provide pro bono representation to rural clients of the LITC. Because the tax clinic allows for representation primarily by phone, this was a perfect opportunity



Muskingum County Domestic Relations Judge Jeffrey Hooper with his assistant, Kathy Hubbard.



Katie Tesner, SEOLS Pro Bono Coordinator with Lew Clark, Partner at Squire, Sanders and Dempsey.

for Columbus attorneys to reach out and provide vital assistance to rural clients overwhelmed by having to face the IRS on their own.

Clark states, “Our firm’s participation in the LITC with SEOLS has presented us with a win-win situation for our firm. It’s given our attorneys—particularly our more junior attorneys— the opportunity to have direct client relationships to develop both their counseling and advocacy skills. It’s given our attorneys an opportunity to assist people who are in real need in rural areas of Ohio who would otherwise go without assistance. And, by opening up the opportunity to our in-house counsel friends and clients, it’s given us the chance to collaborate with them to collectively help provide this assistance. Following the passionate example set by SEOLS, the LITC has been a terrific experience for our firm.”

Not only was Lew a trailblazer for large-firm partnerships with rural pro bono programs, but his firm should also be recognized for establishing policies which enable such projects to succeed. Squire, Sanders & Dempsey promotes pro bono service by counting time spent towards an attorney’s billable hours. Without such firm-wide support, encouragement, and commitment, large-firm pro bono efforts can stall.

Endnote

¹ Rural Poverty Research Institute (RUPRI), “A RUPRI Data Report - Rural Poverty and Rural-Urban Income Gaps: A Troubling Snapshot of the ‘Prosperous 1990s ’ (P2002-5) (July 3, 2002).

(Written by Katie Tesner, Pro Bono Coordinator, and Jim Daniels, Assistant Director, Southeastern Ohio Legal Services)

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OSBA & JUDICIARY PARTNER TO PROMOTE PRO BONO

Thirty Ohio judges and lawyers have accepted appointment to a statewide task force, established by Ohio State Bar Association President Robert F. Ware as part of a focus on public service for his one-year term as OSBA President.

Ware's project, announced during his installation speech at the OSBA Annual Convention last May, is to establish judicially-led pro bono committees in each of Ohio's twelve judicial appellate districts. Each committee is charged with developing a work plan designed to increase delivery of legal services to the indigent population in that district through greater pro bono service by attorneys.

The statewide task force oversees the project and consists of two appointees from each appellate district, at least one of whom is a judge, plus representatives of Ohio's six legal aid programs. (*See roster to right of story.*) Each local committee is working with the legal aid program serving the appellate district to connect the pro bono attorneys with the legal aid clients.

In late September the task force met at OSBA headquarters and heard presentations by individuals from Florida and Indiana. Both states have similar systems in place. The task force was also welcomed by Chief Justice Thomas J. Moyer, who reminded task force members that "Each time a lawyer volunteers her expertise, peace of mind is provided to those in need."

The project is chaired by David A. Kutik of Cleveland, who distinguished himself as a leader in pro bono service during his term as president of the Cleveland Bar Association. Kutik has been recognized by the American Bar Association and other organizations for his efforts. OLAF's pro bono staff is sharing support duties for the project with OSBA. In addition to support from the Chief Justice, these organizations are collaborating with the Ohio Judicial Conference.



*Robert F. Ware,
OSBA President*

OSBA JUDICIALLY LED PRO BONO COMMITTEES PROJECT STATEWIDE TASK FORCE ROSTER

First Appellate District

Hon. Beth A. Myers, Hamilton County Court of Common Pleas
Tawanda J. Edwards, Esq., Frost Brown Todd LLC
Ginny Whitman, Esq., Legal Aid Society of Greater Cincinnati

Second Appellate District

Hon. Walter H. Rice, United States District Court
James W. Kelleher, Esq., Pickerel Schaeffer & Ebeling
Helenka Marculewicz, Western Ohio Volunteer Lawyers Project
Stephanie L. Dannemann, Esq., Legal Aid of Western Ohio, Inc.

Third Appellate District

Hon. Joseph H. Niemeyer, Hancock County Court of Common Pleas
Stephen F. Tilson, Esq., Hottenroth Garverick Tilson & Garverick

Fourth Appellate District

Magistrate Judge Shelly R. Harsha, Pickaway County Court
Hon. Margaret Evans, Gallipolis Municipal Court

Fifth Appellate District

Judith E. Dzigiel, Esq., New Philadelphia Municipal Court
Hon. W. David Branstool, Licking County Municipal Court

Sixth Appellate District

Hon. James G. Carr, United States District Court
Kevin J. Zeiher, Esq., Dolyk & Zeiher Co., L.P.A.

Seventh Appellate District

Hon. Joseph J. Vukovich, Seventh District Court of Appeals
Kathleen A. Stoneman, Esq., Stoneman & Allmon, Attorneys at Law, Inc.

Eighth Appellate District

Hon. Christopher A. Boyko, United States District Court
David A. Kutik, Esq., *Chair*, Jones Day
Ann McGowan Porath, Esq., Legal Aid Society of Cleveland

Ninth Appellate District

Hon. Brenda Burnham Unruh, Summit County Court of Common Pleas
Richard D. Panza, Esq., Wickens Herzer Panza Cook & Batista Co.
Sara E. Strattan, Esq., Community Legal Aid Services, Inc.

Tenth Appellate District

Hon. William A. Klatt, Tenth District Court of Appeals
Thomas J. Bonasera, Esq., Buckingham, Doolittle & Burroughs LLP
Thomas W. Weeks, Esq., Ohio State Legal Services Association
Bern Dempsey, Esq., Legal Aid Society of Columbus

Eleventh Appellate District

Hon. Mary Jane Trapp, Eleventh District Court of Appeals
Richard L. Dana, Esq.

Twelfth Appellate District

Hon. Stephanie Wyler, Clermont County Probate Court
Hon. Margaret A. Clark, Brown County Probate/Juvenile Court

By Jane Taylor, OLAF Associate Director for Pro Bono

NATIONWIDE ESTABLISHES PRO BONO PROGRAM

New Opportunities for In-House Legal Department

In 2006, a dedicated committee of in-house attorneys, paralegals and support staff at Nationwide Mutual Insurance Company was formed to create a formal pro bono program that would foster a culture of volunteer service for every member of the in-house legal department. Guided by the expertise of Corporate Pro Bono (CPBO), a national pro bono partnership project of the Association of Corporate Counsel and the Pro Bono Institute, the Nationwide pro bono committee worked tirelessly to develop comprehensive pro bono guidelines and policies for the legal department and to identify and resolve issues that at times pose unique challenges for in-house corporate pro bono programs. The Nationwide pro bono committee also created a pro bono page for the company's intranet server that provides resources for volunteers along with educational information to respond to the most "Frequently Asked Questions" raised by corporate in-house attorneys. As a result of the vision and dedication of the pro bono committee during its first year of operation, Nationwide's pro bono program created new volunteer opportunities for its legal department focusing on programs in Central Ohio.

"Clinic in a BoxSM"

Thirty-one volunteers from Nationwide's legal department partnered with CPBO, the Legal Aid Society of Columbus, the Ohio Legal Assistance Foundation (OLAF), and the law firm of Vorys, Sater, Seymour and Pease, LLP (Vorys) on June 22, 2007 for the first pilot pro bono program, Clinic in a BoxSM. The clinic was developed by the CPBO to encourage in-house attorneys from corporate legal departments to use their transactional legal skills to perform pro bono services in their communities.

Through the clinic model, the Nationwide volunteers participated in the one-time pro bono program by conducting a "legal health check-up" for 15 local non-profit organizations that serve low-income individuals and families throughout Central Ohio. Representatives from non-profit organizations had the opportunity to talk to the pro bono attorneys about ways that organizational issues might be resolved before they develop into situations requiring further legal attention.

The morning began with the Nationwide attorneys participating in a CLE-credit training program led by attorneys from Vorys. They were provided with extensive training materials tailored to Ohio law and received instruction with regard to identifying legal issues that affect non-profit organizations including tax, corporate governance and employment matters.

The attorneys met in the afternoon with leaders of non-profit organizations and led the client through a checklist that addressed the legal needs of that organization. To the extent legal issues could not be resolved at the clinic, the Nationwide attorney would have the option to either provide ongoing pro bono representation to the client, or partner with attorneys from Vorys to assist the client.

John Harrison, Director of Community Relations, and Pro Bono Coordinator Jill Wojtyna, Legal Aid Society of Columbus, worked closely with CPBO, OLAF and the attorneys from Vorys to select the non-profit organizations to participate in the clinic. Harrison believes that the clinic was very successful and participation by the Nationwide attorneys provided much-needed legal advice, noting, "The Nationwide in-house attorneys opened new doors for



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the non-profit organizations serving low-income individuals and families. This is an important step in our community and economic development program.”

“Adoption Day 2007”

As part of National Adoption Month, members of Nationwide’s legal department partnered with the National Center for Adoption Law and Policy at Capital University Law School and Franklin County Children Services to finalize adoptions for approximately 20 children in foster care in Franklin County. The Nationwide pro bono attorneys and paralegals worked with foster families for more than three months to prepare for the November 14 “Adoption Day 2007” event.

Before undertaking the pro bono representation the Nationwide attorneys completed a CLE training, “Nuts and Bolts of Adoption,” focused on Ohio adoption law and preparation of all required pleadings and court forms. Following the CLE training, Franklin County Children Services assigned each Nationwide attorney a foster family. Staff from the National Center for Adoption Law and Policy worked closely with the Nationwide attorneys and supported the project by creating a website dedicated to the pro bono representation and posted template pleadings to assist the volunteers. The staff also participated in three telephone workshops in September to assist the attorneys, and reviewed pleadings and court forms before they were filed with the Court.

The pro bono attorneys and support staff from Nationwide’s legal department met with the foster parents and children, conducted extensive interviews and resolved all legal issues to ensure that the required pleadings were completed and filed by the October 5, 2007 deadline.

On November 14, Nationwide’s pro bono attorneys appeared with the foster families before Franklin County Probate Court to finalize the adoptions. Other members of Nationwide’s legal department also participated by serving as guides for the families and volunteering their time with the other events and celebrations on “Adoption Day 2007.”

By Lisa Eschleman, OLAF Associate Director for Pro Bono

SUPREME COURT OF OHIO SUPPORTS PRO BONO

In September the Supreme Court of Ohio reaffirmed its support for pro bono legal services and financial support of legal aid programs by issuing a Statement Regarding the Provision of Pro Bono Legal Services by Ohio Lawyers. The Statement reiterates values supported by the Court’s Professionalism Creed and Preamble to the Ohio Rules of Professional Conduct that all lawyers should devote professional time and resources to insure access to justice for those who cannot afford legal services.

The Court “...strongly encourages each Ohio lawyer to ensure access to justice for all Ohioans by participating in pro bono activities.” The Statement identifies types of pro bono programs and the searchable directory of pro bono opportunities found on the statewide website (www.ohioprobono.org), which is maintained by OLAF. The Court also notes that a lawyer’s professional commitment to provide pro bono service may also be fulfilled by supporting financially an organization that provides legal services to persons of limited means.

The Statement announces the creation of a voluntary, anonymous process for attorneys to report their pro bono activities and financial support of legal aid programs. According to the Statement, the information collected through the voluntary reporting process will “not only underscore the commitment of the legal profession to serving the public good but also will serve as a constant reminder to the bar of the importance of pro bono service.” OLAF staff and Sally Bloomfield, Chair of the OLAF Pro Bono Committee, have already met with representatives of the Court to begin the planning for implementation of the voluntary reporting format.

In a letter to the Court shortly after it issued the Statement, OLAF Board President David C. Weiner reiterated OLAF’s commitment to “its mission to assure that resources, programs, and services exist statewide to address the unmet civil legal needs of low-income Ohioans. We look forward to this new partnership with the Court as it implements a system to permit lawyers to report pro bono activities on a voluntary basis.”

By Jane Taylor, OLAF Associate Director for Pro Bono

ABLE/LAWO RECEIVES GRANT TO DEVELOP ONLINE INTAKE FOR PROSPECTIVE CLIENTS

Every intake system in the country faces greater client demand than the respective intake systems can easily handle. Programs are forced to make a choice between developing and utilizing technology to effectively process intakes over the web, or continue to devote funds for more phone lines and intake staff.

Several client populations are in particular need of increased access through alternatives to the traditional 9:00-5:00 phone intake systems. These populations include clients with low literacy, physical disabilities, those in rural areas, clients who work during normal business hours, and those with other barriers. Clients who work irregular hours, who need emergency assistance during non-business hours, who prefer to use the internet or who may be reluctant to give information by telephone also need alternative ways to access legal assistance.

In response to this need, the Legal Aid of Western Ohio, Inc. (LAWO) and its partner organization, Advocates for Basic Legal Equality, Inc. (ABLE), recently received a grant from the Legal Services Corporation to develop a system that will allow Ohio residents with internet access to make an initial online request for legal assistance from the statewide legal services website (www.ohiolegalservices.org) or from individual program websites. This system will replicate a similar online intake system currently in development in Iowa.

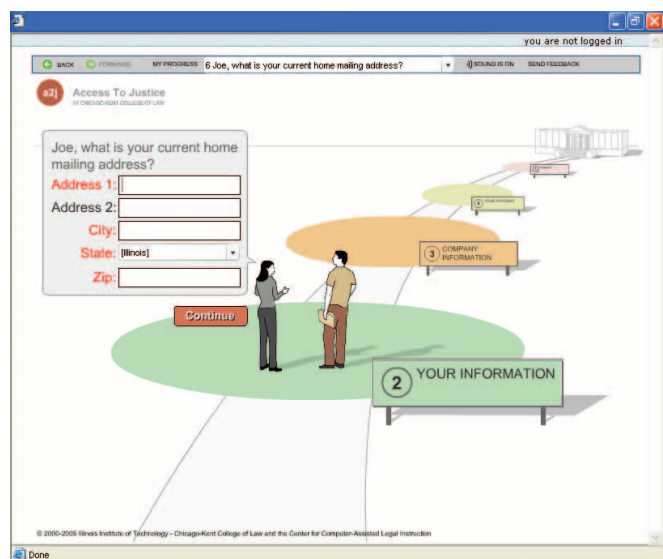
Online intake will reduce the load on intake offices during peak hours when clients may otherwise be discouraged by busy phone lines or waiting on hold. The website will allow the clients to quickly complete the initial intake process, and receive self-help legal information pending contact with an attorney, no matter where or when they submit their initial request.

The project will use A2J Author software (*see screenshot image to right*) to create user-friendly screens that allow clients to respond to a simple series of direct questions. When the client submits the completed intake information via the web screen, the system then will respond to the client with confirmation that contact has been made, the

probable date and time when client may expect a response from an attorney, if appropriate, suggestions on how to respond to emergency situations, forms or printable instructions appropriate to their problem, and links to other materials on the statewide website that can be downloaded.

For example, a domestic violence victim could use a computer at the local shelter to submit an intake application even if the arrival at the shelter were at midnight on Friday. After processing the intake application, the website then could also instantly provide links to court forms and detailed information about steps necessary to protect children, bank accounts, and property. This is the type of information that otherwise might have been unavailable to the client until the legal services office opened again on Monday morning. The computer screen could also tell the client when to expect a call from an attorney, and ask the client to submit specific times and phone numbers where follow-up contact could be made.

LAWO will coordinate the project and serve as the first program to test the system. LAWO will also partner with the Illinois Institute of Technology, Chicago-Kent College of Law, and the Center for Computer-Assisted Legal Instruction. The project will be managed by LAWO and the Ohio Legal Assistance Foundation. All six LSC-funded providers in Ohio will provide direction and input in development of the project and will have the opportunity to use the system to best serve the interests of the local program and the local client community.



By Cynthia Vaughn, Statewide Technology Coordinator

THE DENIS J. MURPHY FELLOWSHIP PROGRAM



(Top Row Left to Right: *Abigail Pound, Pro Seniors, Inc;* *Andrew Neuhanser, Advocates for Basic Legal Equality, Inc.;* *Ashley Saltzman, Legal Aid Society of Columbus;* *Caitlin Williams, Community Refugee and Immigration Services;* *Elizabeth Tull, Legal Aid Society of Greater Cincinnati;* *Elizabeth Grieser, Ohio State Legal Services-SouthEastern Ohio Legal Services.*
Bottom Row Left to Right: *Eugenio Mollo, Advocates for Basic Legal Equality, Inc.;* *Kristen Henry, Equal Justice Foundation;* *Maureen Foley, Community Legal Aid Services;* *Melissa Will, Ohio State Legal Services-SouthEastern Ohio Legal Services;* *Tomar Brown, Legal Aid Society of Cleveland;* *Tracy Simmons, Legal Aid Society of Columbus.*)

The Denis J. Murphy Fellowship Program honors the spirit and vision of OLAF's founding board president. The Murphy Fellowship Program enables OLAF to sponsor recent law school graduates as Fellows throughout Ohio's legal aid delivery system. The two-year fellowships attract gifted new lawyers who focus on specific and urgent issues affecting Ohio's poor. In June 2007, the Ohio Legal Assistance Foundation established a fund with The Columbus Foundation, the income from which will ultimately enhance recruitment and retention of attorneys in Ohio's legal aid delivery system, including specifically the Murphy Fellowship Program. Please visit the OLAF website (www.olaf.org/murphy) to learn more about the Fellowship Program.

Look for more information in December about the Murphy Fellowship Program, its Fellows and how you can support them.

The Ohio Legal Assistance Foundation is a private, non-profit organization created by the Ohio Legislature in 1994 as a response to the serious deficiencies in meeting the civil legal needs of all Ohioans. In partnership with the state and local bars, elected officials, and local legal service providers, the Foundation continues to coordinate statewide resource development, support the delivery of legal services by local legal aid providers, and promote innovative approaches to ensure justice for all.



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